

JUN-08-05 03:26PM FROM-ALLERGAN LEGAL DEPARTMENT

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T-580 P.02/04 F-878

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/806,972 Confirmation No. 2337
Applicant : Donovan
Filed : March 22, 2004
Title : BOTULINUM TOXIN THERAPY FOR NEUROPSYCHIATRIC
DISORDERS

TC/A.U. : 1600/1645
Examiner : Portner, V.A.

Docket No. : 17500CON(BOT); D3170-CON
Customer No. : 33197

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to fax number 703-872-9306, on the date indicated below.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 6, 2005
Janet McElree

TERMINAL DISCLAIMER

Sir:

Your petitioner, Allergan, Inc., having a place of business at 2525 Dupont Drive, Irvine, California 92612, by its attorney, Stephen Donovan, of record in the above-identified application, represents that it is the assignee, as shown by the assignment recorded in the Patent and Trademark Office on April 7, 2003, at Reel 013898, Frame 0170, of the entire right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed. Further, your petitioner hereby certifies that, to the best of your petitioner's knowledge and belief, title to the

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Terminal Disclaimer

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above-identified application is in your petitioner, as assignee seeking to take the action in this Terminal Disclaimer.

Your petitioner, Allergan, Inc., hereby disclaims the terminal part of any United States patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from United States Application No. 10/421,504 and of United States Patent Nos. 6,620,415; 6,372,226; 6,333,037; and 6,306,403, and hereby agrees that any United States patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent issuing from United States Application No. 10/421,504 and of United States Patent Nos. 6,620,415; 6,372,226; 6,333,037; and 6,306,403, this agreement to run with any patent granted on the above-identified application and be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from United States Application No. 10/421,504 and of United States Patent Nos. 6,620,415; 6,372,226; 6,333,037; and 6,306,403 in the event that one or more later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 3rd day of June, 2005.

Respectfully submitted,



Stephen Donovan,
Attorney of Record
Reg. No. 33,493

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